

IC 3-7-36

Chapter 36. Special Registration Procedures for Military Voters and Overseas Voters

IC 3-7-36-1

Applicability of chapter

Sec. 1. This chapter applies to absent uniformed services voters and overseas voters.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-2a

Signatures in presence of person authorized to administer oath not required

Note: This version of section effective until 1-1-2003. See also following version of this section, effective 1-1-2003.

Sec. 2. A voter described in section 1 of this chapter who:

(1) is eligible for an absentee ballot under IC 3-11-4; and

(2) wants to execute an affidavit or a form for voter registration;

is not required to sign the affidavit or form in the presence of a person authorized to administer an oath, and the affidavit or form need not be signed by such a person.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-2b

Signatures in presence of person authorized to administer oath not required

Note: This version of section effective 1-1-2003. See also preceding version of this section, effective until 1-1-2003.

Sec. 2. A voter described in section 1 of this chapter who wants to:

(1) vote by absentee ballot under IC 3-11-4; and

(2) execute an affidavit or a form for voter registration;

is not required to sign the affidavit or form in the presence of a person authorized to administer an oath, and the affidavit or form need not be signed by such a person.

As added by P.L.12-1995, SEC.46. Amended by P.L.126-2002, SEC.24.

IC 3-7-36-3

Additional signatures not required; false statements

Sec. 3. The circuit court clerk or board of registration shall inform the voter that no signature other than that of the voter is required on the affidavit or form and that a voter who makes a false statement on the affidavit or form is subject to the penalties for perjury.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-4

Person designated to sign

Sec. 4. If the voter is unable to sign or mark the registration form due to disability, any person designated by the voter may sign the voter's name on the form in the presence of the voter.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-5a

Delivery of affidavit; effectiveness of registration

Note: This version of section effective until 1-1-2003. See also following version of this section, effective 1-1-2003.

Sec. 5. (a) This section does not apply to a voter who files a combined absentee registration form and absentee ballot request.

(b) When a circuit court clerk or board of registration receives an application for absentee registration, the clerk or board shall promptly mail or deliver to the applicant the affidavit prescribed by this chapter for the registration of an absentee voter by absentee process.

(c) When the properly executed and certified affidavit is returned to the clerk or board, the applicant becomes a registered voter in the precinct of residence.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-5b

Delivery of affidavit; effectiveness of registration

Note: This version of section effective 1-1-2003. See also preceding version of this section, effective until 1-1-2003.

Sec. 5. (a) This section does not apply to a voter who files a combined absentee registration form and absentee ballot request.

(b) When a circuit court clerk or board of registration receives an application for absentee registration, the clerk or board shall promptly mail or deliver to the applicant the affidavit prescribed by this title for the registration of an absentee voter by absentee process.

(c) When the properly executed and certified affidavit is returned to the clerk or board, the applicant becomes a registered voter in the precinct of residence.

As added by P.L.12-1995, SEC.46. Amended by P.L.126-2002, SEC.25.

IC 3-7-36-6

Procedures upon receipt of application

Sec. 6. When a board of registration receives an application for absentee registration under section 5 of this chapter, the board shall also record the name, address, and other pertinent information on a suitable record form and then promptly mail or deliver the applicant's affidavit or form to the circuit court clerk for the use of the clerk in mailing applications for absentee ballots.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-7

Duties of election division

Sec. 7. (a) If the election division receives an affidavit or a form for absentee registration under this chapter, the election division shall promptly forward the affidavit or form to the county voter registration office of the county where the applicant resides according to the address on the affidavit or form.

(b) If the application is both an application for voter registration and an application for an absentee ballot, the election division shall promptly forward the application to the county voter registration office.

As added by P.L.12-1995, SEC.46. Amended by P.L.3-1997, SEC.95.

IC 3-7-36-8

Absentee ballot applications mailed when available

Sec. 8. (a) This section does not apply to a combined absentee registration and request for an absentee ballot.

(b) When a circuit court clerk receives an affidavit or a form for absentee registration, the clerk shall promptly mail the absentee ballot applications as soon as the applications are available.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-9

Clerk to forward affidavit, form, or application to county board

Sec. 9. (a) If an affidavit or a form is mailed to the circuit court clerk in a county where there is a board of registration, the clerk shall promptly mail or deliver to the board the affidavit or form requesting registration.

(b) If the application is both an application for registration and an application for an absentee ballot, the clerk shall record the name, address, and other necessary information on a suitable record for the use of the clerk's office in mailing an application for an absentee ballot.

(c) The requested application for an absentee ballot shall be mailed as soon as the applications are available. After making the required record, the clerk shall promptly mail or deliver the dual application to the board. The board shall promptly mail the absentee registration affidavits to the applicant at the address appearing on the affidavit or form submitted by the applicant.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-10

Processing of affidavit or form

Sec. 10. The circuit court clerk or board of registration shall process an absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period or during the period beginning on the twenty-ninth day before the election and ending on the date that the clerk or board prepares the certified list under IC 3-7-29-1.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-11a

Canceled registration reinstates upon showing of honorable discharge

Note: This version of section effective until 1-1-2003. See also following version of this section, effective 1-1-2003.

Sec. 11. A voter whose registration has been canceled according to this article while in the armed services of the United States may, upon return from service, have registration reinstated at any time by showing an honorable discharge from service to the circuit court clerk or board of registration, except during the period beginning on the date that the certified list of voters is prepared under IC 3-7-29-1 and ending on election day.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-11b

Registration of absent uniformed services voters after registration deadline and before poll lists prepared

Note: This version of section effective 1-1-2003. See also preceding version of this section, effective until 1-1-2003.

Sec. 11. (a) This section applies only to a person described in subsection (b) who applies to register to vote:

- (1) after the date described in IC 3-7-13-11; and
- (2) before the date that the certified list of voters is prepared under IC 3-7-29-1.

(b) An absent uniformed services voter who is absent from Indiana during the registration period described in IC 3-7-13-10 and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

- (1) Showing either of the following to the circuit court clerk or board of registration:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

- (2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election as provided in this title.

As added by P.L.12-1995, SEC.46. Amended by P.L.126-2002, SEC.26.

IC 3-7-36-12a

Registration affidavit required

Note: This version of section effective until 1-1-2003. See also following repeal of this section, effective 1-1-2003.

Sec. 12. A voter described by section 11 of this chapter must complete a registration affidavit.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-12b

Repealed

Note: This repeal effective 1-1-2003. See also preceding version of this section, effective until 1-1-2003.

(Repealed by P.L.126-2002, SEC.93.)

IC 3-7-36-13a

Period during which registration may be reinstated

Note: This version of section effective until 1-1-2003. See also following repeal of this section, effective 1-1-2003.

Sec. 13. If the voter presents the honorable discharge and affidavit during the period:

- (1) beginning on the date that the certified list of voters is prepared; and
- (2) ending on election day;

the clerk or board shall reinstate the registration on the first day of the next registration period.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-13b

Repealed

Note: This repeal of section effective 1-1-2003. See also preceding version of this section, effective until 1-1-2003.

(Repealed by P.L.126-2002, SEC.93.)

IC 3-7-36-14

Registration of absent uniformed services voters after poll lists prepared

Effective 1-1-2003.

Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

- (1) beginning on the date that the certified list of voters is prepared under IC 3-7-29-1; and
- (2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period described in IC 3-7-13-10 and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

- (1) Showing either of the following to the circuit court clerk:
 - (A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:
 - (i) the voter;
 - (ii) the voter's spouse; or
 - (iii) the individual of whom the voter is a dependent.
 - (B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:
 - (i) the voter;
 - (ii) the voter's spouse; or
 - (iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on

election day. A voter who wants to vote under this subsection must do both of the following:

- (1) Complete an application for an absentee ballot.
- (2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

- (1) Certify in writing that the voter registered under this section.
- (2) Attach the certification to the voter's absentee ballot envelope.

(e) If the county has a board of registration, the circuit court clerk shall promptly mail or deliver the voter's registration affidavit to the board of registration.

(f) If the voter chooses not to vote under subsection (c), the clerk or board shall register the voter on the first day of the next registration period.

As added by P.L.126-2002, SEC.27.